

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 8, 1998

ALL-COUNTY INFORMATION NOTICE NO. I-26-98

TO: COUNTY WELFARE DIRECTORS

SUBJECT: CHILD ABUSE CENTRAL INDEX

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order of Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

The purpose of this letter is to provide counties with information regarding the Child Abuse Central Index which is currently operated by the California Department of Justice (DOJ). The Child Abuse Central Index contains information from investigative reports of suspected child abuse submitted by child protective agencies to the DOJ. The information is accessed by law enforcement agencies, probation departments, county welfare agencies and district attorneys when conducting investigations of child abuse, and court investigators and licensing personnel to screen individuals for child placement and licensure or employment in positions having custody of children.

Effective January 1, 1998, the Child Abuse and Neglect Reporting Act found in Penal Code Sections 11164-11174.3 was amended pursuant to Senate Bill 644 (Polanco), Chapter 842, Statutes of 1997 and Assembly Bill 1065 (Goldsmith), Chapter 844, Statutes of 1997. The California Department of Social Services (CDSS) has worked closely with DOJ to ensure the proper operation of the Child Abuse Index. The DOJ has prepared an Informational Bulletin that sets forth changes in DOJ procedures, including a new form that county welfare agencies use when reporting individuals to DOJ to be listed on the Index.

Enclosed is a copy of the DOJ Information Bulletin that delineates the specific legislative changes effective January 1, 1998, a copy of the new form that county welfare agencies are to use when submitting names of individuals to DOJ to be listed on the Index, and a copy of the notice to be forwarded to individuals whose names have been listed on the Index.

Should you have any questions or require further information, please feel free to contact your Child Welfare Services Operations consultant at (916) 445-2832.

Sincerely,

Marjorie Kelly
MARJORIE KELLY, Deputy Director
Children and Family Services Division

Enclosures

c: CWDA

California Department of Justice
DIVISION OF CRIMINAL JUSTICE INFORMATION SERVICES
Nick L. Dedier, Director



INFORMATION BULLETIN

Subject: CHILD ABUSE AND NEGLECT REPORTING ACT
LEGISLATIVE AMENDMENTS

No. 98-03-BCIA

Date: 2/20/98

For further information contact:
Child Abuse Unit
(916) 227-3285

TO: ALL CHILD PROTECTIVE AGENCIES

Senate Bill 644 (Polanco), Chapter 842, Statutes of 1997 and Assembly Bill 1065 (Goldsmith), Chapter 844, Statutes of 1997, amended the Child Abuse and Neglect Reporting Act found in Penal Code Sections 11164-11174.3. Effective January 1, 1998, the changes are:

Penal Code

§11165.12(c) Unsubstantiated Renamed. The child abuse investigative finding "unsubstantiated" has been renamed "inconclusive."

The Child Protection Program will distribute the modified Child Abuse Investigation Report (Form SS-8583) to the reporting agencies. Upon receipt, please destroy all prior versions of Form SS-8583.

§11167.5(b)(11) Permits Child Protective Agencies to Disclose Child Abuse Information to Individuals Identified by DOJ. Child protective agencies may disclose information in local child abuse reports to individuals who have been identified by the Department of Justice as listed on the Child Abuse Central Index. The child protective agency may redact the name, address and telephone number of a witness, reporting party and victim to maintain the confidentiality of the report as required by law (see Penal Code §11170(e)).

§11167.5(b)(12) Permits Child Protective Agencies to Disclose Child Abuse Information to Out-of-State Law Enforcement Agencies. Child protective agencies may disclose information in local child abuse reports to out-of-state law enforcement agencies if that agency meets the criteria spelled out in §11167.5(b)(12).

§11167.5(b)(14) Permits Child Protective Agencies to Disclose Child Abuse Information to Child Death Review Teams. Child protective agencies must disclose information in local child abuse reports to the county child death review team's chairperson, or designee, and provide access to the local child abuse report relating to the death of one or more children and prior child abuse investigations reports maintained involving the same victim, siblings or suspects.

§11169(b) Requires Notice to the Suspect. When a child protective agency forwards a Child Abuse Investigation Report Form SS-8583 to the Department of Justice **after completion of an investigation**, the agency must provide the suspect with written notification that s/he has been reported to the Child Abuse Central Index. The written notification shall contain the Name of the Reporting Agency, the Report Number and the Date of Report. Each child protective agency should designate an official for the suspect to contact to request a

review if the suspect believes he or she has been incorrectly listed. Notification is required only for reports submitted to the Department of Justice on or after January 1, 1998.

Enclosed is a sample notification form that may be used by your agency to satisfy the notification requirements of Penal Code §11169(b).

- §11169(c) Requires Retention of Reports. Child protective agencies must retain child abuse investigative reports that result in a report submitted to the Department of Justice for at least the same period as the Department of Justice is required by statute to retain the reports (see Penal Code §11170(a)(3) below).
- §11170(a)(2) Department of Justice is Only a Repository. The Department of Justice is only a repository of the reports of child abuse submitted for entry into the Child Abuse Central Index. The submitting agencies are responsible for the accuracy, completeness and retention of the underlying investigative child abuse reports.
- §11170(a)(3) Establishes a 10-year Purge for All Unsubstantiated or Inconclusive Child Abuse Reports. The Department of Justice shall delete unsubstantiated or inconclusive child abuse investigation reports from the Child Abuse Central Index after ten years if the suspect of the report is not linked to a subsequent report. If the suspect of a report is linked to a subsequent report, the ten years commences from the date of receipt of the most recent report. *The Department of Justice will continue its current policy of not purging substantiated reports. Child protective agencies must retain such reports for this same period of time in order for the Child Abuse Central Index to be most effective in protecting children and supporting the investigation and prosecution of child abuse cases.*
- §11170(b)(3) Licensing/Adoption Name Checks. January 1, 1981 as the specific date from which child abuse information must be provided for licensing/adoption name checks was deleted from the Penal Code. The Department of Justice continues to have the authority to conduct licensing/adoption name checks and release information from child abuse investigation reports maintained by the Department. Removing the 1981 date coincides with the provisions of Penal Code §11170(a)(3).
- §11170(b)(4) Permits the Department of Justice Disclosure to Child Death Review Teams. The Department of Justice may disclose Child Abuse Central Index information to a county child death review team's chairperson, or designee, relating to the death of one or more children and prior child abuse investigations reports maintained in the index involving the same victim, siblings or suspects.
- §11170(b)(5) Permits Child Placement Name Checks. The Department of Justice may disclose Child Abuse Central Index information to child protective agencies and court investigators responsible for placing children or assessing the placement of a child. When Child Abuse

4. ADDITIONAL SUBJECT(S) FROM REVERSE (complete as much information as possible):			DOJ USE ONLY	
CIRCLE ONE	PERSONAL DESCRIPTION INFORMATION		RESULTS	RCN
SUSPECT or VICTIM	5		No Match Possible Match	
	LAST	FIRST MIDDLE		
	AKA and MAIDEN (If applicable) PRIOR COUNTIES OF RESIDENCE			
	DOB	SSN CDL		
SUSPECT or VICTIM	6		No Match Possible Match	
	LAST	FIRST MIDDLE		
	AKA and MAIDEN (If applicable) PRIOR COUNTIES OF RESIDENCE			
	DOB	SSN CDL		
SUSPECT or VICTIM	7		No Match Possible Match	
	LAST	FIRST MIDDLE		
	AKA and MAIDEN (If applicable) PRIOR COUNTIES OF RESIDENCE			
	DOB	SSN CDL		
SUSPECT or VICTIM	8		No Match Possible Match	
	LAST	FIRST MIDDLE		
	AKA and MAIDEN (If applicable) PRIOR COUNTIES OF RESIDENCE			
	DOB	SSN CDL		
SUSPECT or VICTIM	9		No Match Possible Match	
	LAST	FIRST MIDDLE		
	AKA and MAIDEN (If applicable) PRIOR COUNTIES OF RESIDENCE			
	DOB	SSN CDL		
SUSPECT or VICTIM	10		No Match Possible Match	
	LAST	FIRST MIDDLE		
	AKA and MAIDEN (If applicable) PRIOR COUNTIES OF RESIDENCE			
	DOB	SSN CDL		
SUSPECT or VICTIM	11		No Match Possible Match	
	LAST	FIRST MIDDLE		
	AKA and MAIDEN (If applicable) PRIOR COUNTIES OF RESIDENCE			
	DOB	SSN CDL		
SUSPECT or VICTIM	12		No Match Possible Match	
	LAST	FIRST MIDDLE		
	AKA and MAIDEN (If applicable) PRIOR COUNTIES OF RESIDENCE			
	DOB	SSN CDL		

NOTICE OF REPORT TO THE CHILD ABUSE CENTRAL INDEX

The _____ has completed an investigation of suspected child abuse
Agency Name

and did not determine that the report was unfounded.¹ Pursuant to Penal Code §11169(b), this is notification that you are named as a suspect by this agency in its investigation of suspected child abuse reported to the Department of Justice. The Child Abuse Central Index (Index) contains information from investigation reports of suspected child abuse submitted by child protective agencies to the Department of Justice on form SS-8583 [see Penal Code §11170(a)(1)]. The Index is accessed by law enforcement agencies, probation departments, county welfare agencies and district attorneys when conducting investigations of child abuse, and court investigators and licensing agency personnel to screen individuals for child placement and licensure or employment in positions having custody of children.

Report No. _____ Date of Report _____

This agency is responsible for the accuracy, completeness and retention of its report. If you believe the report is unfounded or you have been incorrectly listed, do not contact the Department of Justice. Any request for review should be directed to:

Agency Contact Person

Agency Address

Telephone No.

(AGENCY NAME)

¹Unfounded is defined in Penal Code §11165.12(a) as a child abuse report which is determined by a child protective agency investigator to be false, inherently improbable, accidental or not to constitute child abuse.

Central Index information is released by the Department of Justice for the temporary placement of a child, the receiving agency/investigator is responsible for notifying the suspect that s/he is in the Index.

Enclosed is an information sheet that must be used to request placement information. You may fax your request to (916) 227-5054 or (916) 227-3253.

- §11170(b)(6) Obtain Underlying Investigative Report. Persons or agencies who receive Child Abuse Central Index information for purposes of licensing, adopting or placing a child, must obtain the underlying report from the reporting agency and make their own independent assessment of the merit of the child abuse reports. They must not act upon information provided from the Child Abuse Central Index.
- §11170(e) Individuals Ascertain if Listed in the Child Abuse Central Index. An individual may determine if s/he is on the Child Abuse Central Index by sending a notarized written request to the Department of Justice. The Child Abuse Unit will conduct a name search and advise the individuals if they are listed on the Child Abuse Central Index and provide the date of report and the name of the reporting agency.
- §11170(f) An 18 Year Old May Have Name Removed from the Child Abuse Central Index. If a person who is 18 years of age or older is on the Child Abuse Central Index as a victim only, the person may have his or her name removed from the index by submitting a written, notarized request.

If you have any questions, please contact Martha Kistler, supervisor of the Child Abuse Unit, at (916) 227-3347.

Sincerely,

DANIEL E. LUNGREN
Attorney General

DOUGLAS A. SMITH, Chief
Bureau of Criminal Information
and Analysis